

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TERRELL E. JONES,

Plaintiff,

v.

A. MASTRANDEA,

Defendant.

CASE NO. 3:19-cv-06241-BHS-JRC

ORDER TO SHOW CAUSE

This matter is before the Court on plaintiff's motion to "stay." *See* Dkt. 10, at 1.

Plaintiff brought this matter under 42 U.S.C. § 1983 in December 2019 against Pierce County Jail and "A Mastandrea." *See* Dkt. 1. The Court granted plaintiff leave to proceed *in forma pauperis* and screened his complaint under 28 U.S.C. § 1915A. *See* Dkt. 6. The Court found that plaintiff had stated a claim against defendant Mastandrea in his individual capacity for damages but had otherwise stated no cognizable claims, including no claims against Pierce County Jail upon which relief could be granted. Dkt. 6, at 4–7. Therefore, the Court offered plaintiff the opportunity to amend his complaint if he wished, to correct the deficiencies. *See*

1 Dkt. 6, at 7. The Court informed plaintiff that if he failed to take action, the matter would
2 proceed solely on his claims against defendant Mastandrea in his individual capacity. Dkt. 6, at
3 7.

4 Plaintiff filed an amended complaint that included only claims against defendant
5 Mastandrea. Dkt. 7. Then, plaintiff sought leave to amend his complaint to include the “City of
6 Pierce” as a defendant. Dkt. 8. The Court granted his request since plaintiff was entitled to
7 amend as a matter of right and directed plaintiff to file a second amended complaint on the form
8 provided by the Court. Dkt. 9. Instead of providing a second amended complaint, however,
9 plaintiff returned the § 1983 form, blank, and requested to “stay” the “original amended
10 information in suit against [] Mastandrea in his individual capacity.” Dkt. 10, at 1.

11 It is unclear to the Court what relief plaintiff seeks. If plaintiff requests a stay of the
12 litigation (meaning the litigation would be put “on hold”), the Court is unlikely to grant his
13 request since he has provided no basis for a stay and no end point. Indefinite stays are
14 disfavored. *See Dependable Highway Exp., Inc. v. Navigators Ins. Co.*, 498 F.3d 1059, 1066
15 (9th Cir. 2007).

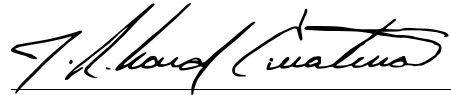
16 If plaintiff is seeking to proceed on his amended complaint (Dkt. 7) with claims solely
17 against defendant Mastandrea, however, he may do so.

18 DIRECTIONS TO PLAINTIFF

19 Plaintiff must take action in response to this order on or before **May 29, 2020**, or this
20 matter may be dismissed for failure to prosecute. Plaintiff must either (1) explain if he seeks a
21 stay/extension and the basis for his request, or (2) request to proceed on his amended complaint
22 with claims solely against defendant Mastrandrea (Dkt. 7), or (3) file a new complaint with claims
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1 against the “City of Pierce,” in which case he must comply with the instructions provided in the
2 previous order granting him leave to amend (Dkt. 9).

3 Dated this 29th day of April, 2020.

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7 J. Richard Creatura
8 United States Magistrate Judge
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